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PATENT

Atty. Docket No. 2620 (203-2764)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Timothy Wells, et al.

EXAMINER: Jessica R. Baxter

SERIAL NO.: 09/865,774

GROUP ART UNIT: 3731

FILED: May 25, 2001

DATED: June 2, 2004

FOR: **TROCAR ASSEMBLY WITH CUSHIONED ACTIVATOR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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SURREPLY BRIEF

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Sir:

In response to the Examiner's Supplemental Answer mailed April 15, 2004,
please consider the following remarks.

REMARKS

Prior to addressing the substantive issues raised in the Examiner's Supplemental Answer, Applicants wish to take note of the fact that the filing of an Examiner's Supplemental Answer was improper. More specifically, 37 C.F.R. 1.193(b)(1) and MPEP 1208.03 clearly state that "[a] supplemental examiner's answer is not permitted, unless the application has been remanded by the Board of Patent Appeals and

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2004.

Dated: June 2, 2004

James M. Loeffler